

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

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U.S. BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

GUIDELINES FOR THE FILING OF
DOCUMENTS

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OPERATING ORDER 06-02¹

The Guidelines for the Filing of Documents with the United States Bankruptcy Court for the District of South Carolina, attached hereto as Exhibit A and made a part hereof, are adopted this 1st day of March 2006.

AND IT IS SO ORDERED.



JOHN E. WAITES
Chief Judge

Columbia, South Carolina

EXHIBIT A

GUIDELINES FOR THE FILING OF DOCUMENTS WITH THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF SOUTH CAROLINA

INTRODUCTION

These Guidelines for the Filing of Documents (Guidelines), as adopted by Operating Order, govern the filing of documents with the United States Bankruptcy Court for the District of South Carolina and serve to implement the Case Management/Electronic Case Filing system.

I. DESIGNATION OF CASES, PASSWORDS, AND REGISTRATION FOR THE CASE MANAGEMENT/ELECTRONIC CASE FILING SYSTEM

A. Designation of Cases

1. All pending and newly filed cases and adversary proceedings in the United States Bankruptcy Court for the District of South Carolina shall be assigned to the Case Management/Electronic Case Filing system (CM/ECF) and have their case dockets available electronically.
2. The electronic record shall constitute the official record of cases and proceedings in this Court.

B. Registration and Passwords

1. Attorneys admitted to practice in this Court and currently in good standing, attorneys representing the United States Government, trustees, and limited registrants¹ shall be eligible to receive a login and password to participate in the CM/ECF system. Attorneys admitted *pro hac vice* shall be eligible to receive a login and password for electronic filing which they should limit to

¹ A limited registrant has limited access to filing options in CM/ECF.

the case in which they are admitted. (See Part I, Paragraph C.3.)

2. Each approved filer will be assigned one or more login and password combinations to use the CM/ECF system. The Court reserves the right to change the assigned CM/ECF login and password periodically.
3. Approved electronic filers with a Court issued login and password shall be hereinafter referred to as Participants.
4. To obtain a live login and password, each Participant must complete a registration form containing a written signature (not a typed name). The registration form is available on the Court's web site and shall be submitted by:

- a. Mail to :

U.S. Bankruptcy Court
ATTN: CM/ECF Registration
1100 Laurel Street
Columbia, SC 29201-2423;

- b. Facsimile:

ATTN: Systems ECF Registration
(803) 253-3368; or

- c. Electronic Mail:

ecf_registration@scb.uscourts.gov.

Registration forms submitted prior to the implementation of these revised Guidelines shall continue in full force and effect and be deemed to provide the registrant's consent to and acceptance of these Guidelines.

5. The Clerk's Office will notify Participants by the e-mail account on the

Participant's registration form of their assigned CM/ECF login and password combination when the Court approves the Participant in accordance with approved training as set forth on the Court's web site. Only the Participant or an authorized representative may receive the electronic notice of the assigned login and password combination.

6. Participants may wish to change their passwords periodically and are encouraged to change the password that is initially issued by the Clerk's Office. Participants may do so as set forth in the Participant's Guide.² If a Participant believes the security of an existing password has been compromised, the Participant shall notify the Clerk's Office immediately to cancel that password. To provide this notice, Participants may contact the Clerk's Office by telephone at the Help Desk telephone number listed on the Court's web site (CM/ECF Quick Links) or by e-mail at cmecf_helpdesk@scb.uscourts.gov.
7. A Participant's password shall be used only by the Participant, his/her staff, or another member of his/her law firm, as authorized by the Participant.
8. A registered Participant may withdraw from participation in CM/ECF upon order of the court.

² The Participant's Guide as referenced herein may be found on the Court's web site and is an instructional guide to filing via CM/ECF drafted and updated periodically by the Clerk's Office. The Participant's Guide has no legal effect and is to be considered a resource for filers. In the event information provided in the Participant's Guide conflicts with any rule, statute, order, procedure, or determination by a Judge, the rule, statute, order, procedure, or determination shall govern.

C. Disabling of Login Upon Suspension, Disbarment, or Order of the Court

1. The Court can suspend a Participant from the CM/ECF system upon the entry of an order. Upon entry of the order, the Clerk's Office will withdraw the registered Participant from CM/ECF and disable the Participant's password.
2. Upon notification of disbarment or suspension of a Participant who is an attorney, the Court may disable a Participant's login. Reinstatement or subsequent admission to practice requires submission of a new registration form to be considered for electronic filing with the Court.
3. The Clerk's Office will periodically review the status of Participants granted electronic filing privileges by *pro hac vice* admission and may disable the login (or limit access) of such Participants following the closure of the case for which the Participants were admitted to practice.

II. FILING OF DOCUMENTS

A. Mandatory Electronic Filing

1. Manner of Filing
 - a. Except as stated herein or by Order of the Court, all documents, including proofs of claim, shall be filed electronically utilizing the CM/ECF system.
 - b. Documents shall be filed in Portable Document Format (PDF).
2. Failure to Comply

Filing of a document not in compliance with these Guidelines may result in denial of the relief sought, striking of the document, sanctions, or other

adverse ruling.

B. Limited Exceptions to Mandatory Electronic Filing

1. Parties without legal representation³ may effect filings in paper form (Conventional Filing) unless otherwise ordered by the Court due to the volume or nature of filings.
2. Inability to File Using CM/ECF **due to failure of the Court's system**
 - a. If a Participant cannot access CM/ECF via the Internet to effect a filing during regular business hours of the Clerk's Office, the Participant shall contact the Clerk's Office, by telephone at the number(s) listed on the Court's web site (CM/ECF Quick Links), and speak with a member of the CM/ECF Help Desk to confirm that CM/ECF is not accessible, state why an immediate filing is necessary, and make suitable arrangements with the Clerk's Office for the filing to occur. Such a filing is effective upon submission to the Clerk's Office and will be electronically entered and docketed when CM/ECF is accessible unless otherwise ordered by the Court.
 - b. If a Participant cannot access CM/ECF via the Internet to effect a filing after regular business hours of the Clerk's Office, and the filing is time sensitive and will be made untimely as the result of a

³ See South Carolina Local Bankruptcy Rule 9010-1 regarding practice before the Court. All partnerships, corporations, and other business entities must be represented by an attorney duly admitted to practice as specified therein, except with respect to the filing of proofs of claim or interests.

technological failure of CM/ECF, the Participant should either e-mail the document to the CM/ECF Help Desk at cmecf_helpdesk@scb.uscourts.gov or send the document to the attention of the Clerk's Office by facsimile to the number(s) listed on the Court's web site (CM/ECF Quick Links). The e-mail or telefax shall include a statement explaining the inability to use CM/ECF, the time sensitive nature of the filing, and the date and time of submission. If the Court determines that the failure to electronically file was caused by an error of the Participant, or a misuse or abuse of the emergency filing procedures, the Court may strike the document and issue sanctions, which may include additional mandatory training.

3. **Emergency Filing** in Conjunction with Inability to File Using CM/ECF due to Failure in the Approved Method/Mean of Filing that would Prevent a Timely Filing (**other than a failure of the Court's system**)
 - a. In the event there is an attempt to file a document on the last date, i.e., a deadline established by the Bankruptcy Code, Federal Rules of Bankruptcy Procedure or Federal Rules of Civil Procedure, Local Rule, Notice, Order, or other critical time-sensitive filing (the failure of which may cause substantial prejudice to the filing party), and there is a failure in the previously approved method/means of transmitting the document for filing that would prevent the timely

filing, the following procedure shall apply and govern:

CONVENTIONAL/PAPER FILING

According to Federal Rule of Civil Procedure 5(e), the filing party may file the document by hand delivery in conventional/paper form with the Clerk's Office during regular business hours (by special arrangement with the Clerk's Office, filings may be made by hand delivery thereafter) on the date of and before the applicable deadline, accompanied by an affidavit which sets forth in detail the reasons for failure to comply with the Guidelines in the manner of filing. The Clerk's Office shall immediately submit to the Judge assigned to the case the filed document and affidavit for the Court to consider, with or without hearing, the circumstances surrounding the filing.

USE OF TELEFAX

If the Conventional Filing as stated above is not possible or practicable, and before the expiration of the deadline, the filing party may submit a motion to allow filing, accompanied by the document to be filed and an affidavit setting forth in detail the reasons for the failure to comply with the Guidelines in the manner of filing, by telefax to chambers of the Judge assigned to the case.⁴ If the parties affected by the filing consent to the motion, such should be noted on the motion/affidavit. Failure to attach the document and affidavit may

⁴ Whether a particular Judge permits filing of a motion and affidavit in such manner may be indicated in the Judge's Chamber's Guidelines (or as otherwise indicated), accompanied by the applicable telefax number.

result in immediate denial of the motion.

The filing party shall simultaneously serve the motion (where applicable), the document, and affidavit on the parties affected by the document, the trustee assigned to the case, if any, and the United States Trustee by hand delivery, telefax, overnight delivery, or electronic mail (receipt confirmed).

- b. Whether filing by Conventional Filing or telefax as set forth above, the Court will subsequently consider the motion/affidavit, with or without a hearing, and determine the allowability of the filing or an extension. If the Court deems the filing of the document or submission of the motion an abuse of the Court's procedures, or finds other cause, the document may be stricken, or motion denied, and the filing party may be subject to sanctions or other adverse ruling.
 - c. If the inability to file under means approved by the Guidelines is expected to persist, due to natural disaster or other reasons beyond the control of the filer, the request for an alternative means of filing may govern multiple cases if requested and approved by the Chief Judge of the Court.
4. Nothing herein shall be construed as overriding the mandate of Federal Rule of Civil Procedure 5(e), which provides that the Clerk's Office shall not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by the Federal Rules or any

local rules or practices. The determination as to the appropriateness of the means of filing, and whether the document shall be stricken or other adverse ruling issued, shall be made by the Judge assigned to the case.

5. Documents to be Filed Under Seal

A motion to file a document under seal shall be filed electronically; however, the actual document to be filed under seal shall be submitted for filing conventionally. If the motion itself contains confidential information, the movant shall file and serve electronically a redacted version clearly marked as such and shall submit the unredacted version *in camera*. If requested by the Court, the filing party shall deliver conventional paper copies of the documents proposed to be filed under seal to the Judge assigned to the case for *in camera* review. The order of the Court authorizing the filing of such documents under seal shall be entered electronically unless otherwise directed by the Judge assigned to the case.

6. Hearings/Trial Exhibits (evidentiary documents or items)

Participants shall submit hearing/trial exhibits conventionally along with the joint pretrial order or as directed by the Court.

7. Transcripts

Transcript Orders may be submitted conventionally or electronically via CM/ECF unless otherwise directed by the Court.

C. Controlling Docket Data

1. Parties filing documents have the responsibility of ensuring that the

documents bear the correct case and adversary proceeding numbers.

- a. Conventional Filings - The Clerk's Office will enter documents on the record according to the case or adversary proceeding number shown on the documents filed, even if incorrect information is provided. The Clerk's Office is not required to reconcile the case name (or parties' names in an adversary proceeding) with the case or adversary proceeding number shown on the documents.
- b. CM/ECF Filings - Participants control the case or adversary proceeding number to which documents are filed. The Clerk's Office is not required to reconcile the image associated with the docket entry to the case or proceeding to which the image was filed.

2. Any party who files a document using an incorrect case or proceeding number or files a document in the incorrect case or proceeding must file appropriate motions in order for the Court to consider any issues resulting from the error.

3. Title of Docket Entries

A Participant electronically filing a pleading or other document will designate a title for the document by using one of the main categories and specific events provided in the CM/ECF system (e.g., motion for relief from stay, application for retention of counsel, etc.).

4. Timeliness

- a. Electronic filings which have a deadline for filing are considered

timely if filed with the Clerk's Office prior to midnight on the date set as a deadline.

- b. All references to time contained in these Guidelines are to Eastern Standard or Eastern Daylight Savings Time, whichever is in place at the time a filing is effected.

5. Filing Pleadings or Claims with Supporting Documentation and Use of the "Attachment" Option in CM/ECF

- a. Documentation supporting pleadings or claims (such as vehicle titles, mortgages, promissory notes, statements of accounts, etc.) should be combined with the pleading or claim so that only one PDF is filed.⁵ The pleading or claim being filed should be the first page(s) of the PDF for which supporting documentation is to be provided.⁶ If the length of the supporting documentation exceeds twenty (20) pages, Participants shall include only excerpts that are directly germane to the matter under consideration by the Court. Excerpts must be clearly and prominently identified as such and the complete supporting documentation must be made available as a chambers' copy upon request. All supporting documentation must be made available to opposing counsel upon request and at any hearing

⁵ Several pleadings can comprise one image (PDF) if a CM/ECF filing event is available to accommodate this. Examples are: 362 motions, most passive notices, schedules and certificates of service. (See Participant's Guide for further clarification).

⁶ For purposes of these Guidelines, the term "Exhibit" is defined as a document or other item submitted at a hearing/trial as evidence.

regarding the matter. Persons filing excerpts of supporting documentation do so without prejudice to their right to file additional excerpts with the Court. Opposing parties may file additional excerpts if they believe they are relevant. If all of the supporting documentation is relevant and is in conventional format, the Clerk's Office reserves the right to request that the supporting documentation be submitted on a CD ROM. The "Attachment" option in CM/ECF should not be utilized to submit supporting documentation and should only be used to electronically submit proposed orders or to divide a PDF which is larger than 4 megabytes into segments of acceptable size. If you are unable to create a PDF in manageable file sizes, you may contact the CM/ECF Help Desk for assistance.

- b. If a pleading is to be accompanied by a separate memorandum of law, the docket entry for the memorandum is to be linked to the pleading.

6. Filings Requiring Expedited Consideration

Expedited matters electronically filed shall note prominently the need for expedited consideration. In addition, the Participant filing such a matter shall immediately contact a courtroom deputy by telephone to inform the Court of the need for expedited consideration.

D. Effect of Electronic Filing

Effecting an electronic filing utilizing the CM/ECF system in accordance with these Guidelines shall constitute entry of that filing on the docket maintained by the

Clerk's Office pursuant to Fed. R. Bankr P. 5003⁷ (Records Kept by the Clerk). Likewise, orders, decrees, judgments, and proceedings of the Court will be entered in accordance with these Guidelines, and shall constitute entry on the docket record maintained by the Clerk's Office pursuant to Rule 5003 and for purposes of Rule 9021 (Entry of Judgment).

III. NOTICE

- A. Upon registration, all Participants shall be deemed to have requested in writing that all notices (and the information required to be contained therein) be sent by electronic transmission through the Court's CM/ECF system.
- B. Notice pursuant to Rule 9036 (Notice by Electronic Transmission) and Rule 9022 (Notice of Judgment or Order) shall be provided by a Notice of Electronic Filing (NEF) sent to the e-mail address provided by each Participant. The NEF shall link to an image of the related notice/document for viewing by the Participant.
- C. It shall be the responsibility of the party docketing an event via CM/ECF to ensure that the item is properly titled, linked, and docketed so as to identify the content of the filing and to ensure that the event and document are docketed in the correct case so that proper notice will be received by Participants. Failure to do so may result in a failure of notice and any such events must be re-submitted and re-noticed.
- D. Incorrect docketing of an event resulting in insufficient notice or service due to error by the Clerk's Office may constitute grounds for reconsideration or vacating

⁷ Further references to Rules will be to the Federal Rules of Bankruptcy Procedure unless otherwise stated.

of any orders based thereon.

- E. With the exception of notices that have been delegated to parties for service, the Clerk's Office shall provide notice in conventional form in accordance with the Federal Rules of Bankruptcy Procedure to parties who are not Participants and who have not entered into an Electronic Bankruptcy Noticing Agreement for electronic notice with the Bankruptcy Noticing Center.

IV. SERVICE

- A. Any document or pleading requiring service in a manner specified by Rule 7004 (Summons & Complaint), Rule 9014 (Contested Matters), Rule 9016 (Subpoena) or other specified authority shall be served in the manner so specified unless otherwise waived by the party entitled to service.

1. According to Rule 9014 in a contested matter not otherwise governed by the Bankruptcy Rules, relief shall be requested by motion which is served in the manner provided for service of a summons and complaint by Rule 7004. Any paper served after the motion shall be served in the manner provided by Fed. R. Civ. P. 5(b).

2. Examples of contested matters specified in the Bankruptcy Rules and related Advisory Committee Comments include:⁸

Rule 1017(d)	Dismissal or Conversion of a Case
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⁸ This list is non-exhaustive and the matters listed herein are not to be considered the only instances that give rise to a contested matter. Further, in some instances throughout these Guidelines, certain Bankruptcy Rules have proposed amendments, termed "interim rules" as a result of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. These interim rules have been adopted by the Court as local rules effective October 17, 2005, and will not be restated herein.

Rule 3020(b)(1)	Objections to Confirmation of Plan
Rule 4001(a)	Relief from Automatic Stay, Use Sale or Lease of Property, Use Cash Collateral, To Obtain Credit
Rule 4003(d)	Avoidance of Lien §522(f)
Rule 6006(a)	Assumption of Executory Contract/Lease

Advisory Committee Notes:

Objection to Proof of Claim

Objection to Claim of Exemption

Objection to Disclosure Statement

Objection to Application for Compensation

Litigation to Resolve Actual Dispute

- B. Pursuant to Rule 7005 and Fed. R. Civ. P. 5(b), service of other pleadings, papers and process not covered by Rule 7004 may be met by delivering a copy by electronic means. By submission of a registration for CM/ECF and as provided by Fed. R. Civ. P. 5(b) each Participant shall be deemed to have consented to service of such other pleadings, papers and process by electronic means through CM/ECF (as the Court's electronic transmission facility). Upon the filing of the applicable pleading, paper or process, an NEF shall be transmitted to each Participant on the "Party" link on the CM/ECF Query menu. The NEF shall be linked to a copy of the subject document and is available to the Participant. This transmission of an NEF and the availability of the document shall be deemed a delivery of a copy of said document pursuant to Fed. R. Civ. P. 5(b).

C. Waiver of Service by Parties

The following parties have submitted written waivers of certain requirements of service according to Rule 9014 regarding motions which initiate contested matters,⁹ and matters in which the service requirements originate under the local rules or operating orders of this Court, and therefore may be served electronically through CM/ECF without additional personal service or service by mail.

1. The following Chapter 13 Trustees:

William K. Stephenson, Jr.

Joy Goodwin

Gretchen D. Holland

James M. Wyman

It is the position of the Chapter 13 Trustees that electronic service on the Chapter 13 Trustees is sufficient through CM/ECF except as follows: In those instances where, pursuant to Rule 7004(b), service is required on the Chapter 13 Trustee or where there is an action against the Chapter 13 Trustee either personally or in the Trustee's official capacity or against one of the Trustee's employees personally or for an action taken in the employee's official capacity then service should conform to that Rule.

2. The United States Trustee

It is the position of the United States Trustee that electronic service on the United States Trustee is sufficient through CM/ECF except as follows: In

⁹ Rule 9014 refers to motions seeking relief, but contested matters may be indicated by other types of pleadings such as applications, petitions or objections.

those instances where, pursuant to Rule of 7004(b), service is required on the Attorney General, United States Attorney and United States Trustee because the complaint seeks to attack the validity of an order of the United States Trustee (pursuant to Rule 7004(b)(4) and (5)) or where there is an action against the United States Trustee in his official capacity or against one of his employees for an action taken in the employee's official capacity then service should conform to that Rule.

3. The following Chapter 7 Trustees:

Robert F. Anderson

W. Ryan Hovis

Michelle Vieira

John K. Fort

Randy A. Skinner

4. Other Participants may elect to waive personal service or service by mail accepting instead service by electronic means through CM/ECF. In order to waive such service, a Participant must submit a written waiver that (1) specifically states that personal service or service by mail is waived in regards to matters or other pleadings which initiate contested matters, and matters in which the service requirement originates under the local rules or operating orders of this Court, and (2) indicates that electronic service through CM/ECF is the preferred method of service. An indication of a written waiver shall be posted on the Court's web site and may be relied

upon by serving parties. A single written waiver constitutes a Participant's waiver and election to receive service by CM/ECF in all instances regarding contested matters. Such waivers may be withdrawn or amended in a conventional writing submitted to the Clerk's Office, with the withdrawal or amendment being effective 30 days after its submission and being posted on the Court's web site.

D. To ensure that proper service will be received by Participants, it shall be the responsibility of the party docketing an event via CM/ECF to ensure that the item is properly titled, linked, and docketed so as to identify the content of the filing and to ensure that the event and document are docketed in the correct case. Failure to do so may result in a failure of service.

E. Incorrect docketing of an event resulting in insufficient notice or service due to error of the Clerk's Office may constitute grounds for reconsideration or vacating of any orders based thereon.

F. Exceptions Regarding Service

In any instance where the United States Code, Bankruptcy Code, Federal Rules of Bankruptcy Procedure, Federal Rules of Civil Procedure, Local Rules or an Order of this Court, (including orders regarding expedited matters), or other federal or state law and authorities specify requirements of service other than those referenced herein, those authorities shall control service.

V. RETURNED E-MAIL

Participants are responsible for keeping the primary and alternative e-mail addresses they provide to the Court current at all times. The Court should be notified within 24 hours if a Participant is having difficulty with his or her Internet Service Provider (ISP) while working with the ISP to resolve the problem. If so notified, the Court will resend the NEF e-mails to the primary e-mail address on the account once the problem has been resolved. Each Participant must maintain an e-mail account with enough storage space to receive electronic notices from the Court.¹⁰ If the size of a Participant's e-mail account is not sufficient, NEF e-mails will fail and be returned to the Court where they will be stored for 30 days. If a Participant notifies the Court that they are not receiving e-mail, the stored e-mails can be checked and re-sent. After 30 days they will be deleted from the system. CM/ECF generated e-mail is sent by [SCB ECF NEF@scb.uscourts.gov](mailto:SCB_ECF_NEF@scb.uscourts.gov). DO NOT REPLY TO ANY CM/ECF E-MAIL FROM THIS ADDRESS.

VI. SIGNATURES

- A. Filing any document by using a login and password issued by the Clerk's Office shall constitute the Participant's signature for purposes of signing the document under Rule 9011 and any other applicable authority relating to signatures. The Participant's name under whose login and password the document is submitted as well as any other party whose signature is represented on an electronically submitted document must be displayed in one of the following ways by a /s/ and the name of the person typed in the space where the signature would otherwise appear (e.g.,

¹⁰ In general, an account with storage space of at least 100 megabytes is sufficient. The e-mail generated from CM/ECF servers can be voluminous and exceed the size allocated for free e-mail accounts. Extra storage space of 100 megabytes can be purchased from the ISP.

/s/Jane Doe), by a scanned original document containing original signatures, or by an image of the original signature electronically incorporated into the document. All signatories must provide their name, address and telephone number, electronic mail and facsimile number if applicable and, in the case of an attorney, the attorney's United States District Court identification number, and any other information as directed by Judge, local rule or order.

- B. A Participant who represents a debtor must file a Declaration Regarding Electronic Filing (Declaration). The Declaration must indicate that the debtor's original signature has been affixed to the original petition, and that the debtor authorizes the filing of the bankruptcy case electronically. The original petition and any verification of lists, schedules, and statements, all amendments thereto and all original plans, amended plans and monthly or periodic financial reports shall be executed with an original signature of the petitioner, debtor or verifying party and shall be retained by the Participant and available for filing and/or review upon request by the Court, Clerk's Office, Office of United States Trustee, a case trustee, or United States Attorney, or other party upon order of the Court. Failure to timely file the Declaration or retain the original petition may result in dismissal of the case without further notice or hearing, and other sanctions may be imposed.
- C. Other pleadings, affidavits, and other documents that must contain original signatures or that require verification pursuant to Rule 1008 (Verification of Petitions and Accompanying Papers) or an unsworn declaration as provided in 28 U.S.C. § 1746 shall be filed electronically and shall indicate a signature as set forth in A.

above.

- D. All original signed petitions or other documents referenced herein shall be maintained by the attorney of record or the party originating the document until the case or adversary proceeding is closed and all maximum allowable times for appeals in that case or adversary proceeding have expired, and the time within which a discharge of the debtor may be revoked has passed. In the event a case is dismissed (as opposed to being fully administered), all original signed petitions or other documents shall be maintained by the attorney of record or the party originating the document for a period of three (3) years. An original document or petition must be provided for review to other parties upon order or to the Court upon request.

VII. ORDERS

- A. Proposed orders may be submitted electronically as outlined below.
1. With the exception of consent orders, electronically filed proposed orders to be submitted pursuant to the Passive Notice Procedures as outlined in Local Rule 9014-2 may be submitted electronically and shall be combined with the application or motion into one docket entry and submitted by use of the Attachment Option in CM/ECF in accordance with Part II, Paragraph C.5. (Filing Pleadings or Claims with Supporting Documentation and Use of the “Attachment” Option in CM/ECF), *supra*.
 2. Electronically submitted orders shall be formatted in accordance with template instructions provided by the Clerk’s Office.
 3. All orders must be in PDF at the time of submission.

4. The Clerk's Office will provide an electronic copy of the Participant's proposed order to the Judge assigned to the case. Once an order is signed by the Judge, the Clerk's Office will file the order and make the appropriate entry on the CM/ECF system to docket the order.
5. The Clerk's Office will serve notice and copies of signed orders and judgments as required by Rule 9022 (Notice of Judgment and Order) electronically on Participants.

B. Requests for Emergency Orders

When a Participant seeks the entry of an emergency order through the CM/ECF system, such as an order shortening time or order to show cause, the Participant shall contact a courtroom deputy by telephone in order to ensure expedited consideration by the Judge.

C. Orders to Judges by E-Mail

If directed by a Judge, attorneys should e-mail proposed orders **requested at or after a hearing** to the appropriate Judge's e-mail address in the manner set forth in the Participant's Guide, Chambers' Guidelines, or as otherwise directed by the Judge. The proposed order should be in Word or WordPerfect format and may be modified by the Judge.

D. Consent and Settlement Orders

Consent and Settlement orders may be submitted electronically in the following ways:

1. A consent order may be circulated and signed conventionally. The

Participant electronically filing a copy of such a consent order shall maintain the original consent order bearing original signatures of the consenting parties for the period of time prescribed herein.

2. A consent order may demonstrate the parties' consents by /s/ signatures, by a scanned original document containing original signatures, or by an image of the original signature electronically incorporated into the document as prescribed in Part VI, Paragraph A., supra.
3. A settlement order may demonstrate the parties' agreement by the following certification language being affixed to the order and certified by the signature (/s/) of the filing attorney: "I certify that this order contains a true and complete statement of the agreed upon terms of settlement between the parties."

E. Signing of Orders

Orders may be signed electronically on behalf of a Judge if authorized by the Judge. Any order authorized to be signed by the Judge may be filed and entered electronically and has the same force and effect as if the Judge had affixed his signature to a conventional order and filed and entered it accordingly. A Participant submitting a document electronically that requires a Judge's signature must do so in accordance with these Guidelines.

- F. Notification by the Court of defects in a proposed order may be provided by e-mail or telephone.

VIII. PUBLIC ACCESS TO THE DOCKET AND OTHER FILING REQUIREMENTS

A. Internet Access

Any person or organization may access this Court's Internet site at the following address: www.scb.uscourts.gov. Access to the docket and documents in CM/ECF through the Web PACER Internet site will require registration with the PACER Billing Center (telephone number: 1-800-676-6856) (web site: pacer.psc.uscourts.gov).

B. Public Access at the Court

Access by the public to the documents filed in CM/ECF and to the CM/ECF docket is available in the Clerk's Office for viewing during regular business hours.

C. Conventional Copies and Certified/Exemplified Copies

Conventional and certified/exemplified copies of electronically filed documents may be obtained from the Clerk's Office. The fee for this service shall be as provided in 28 U.S.C. § 1930(b) and in the Appendix thereto.

D. Fees Payable to the Clerk

1. Applicable filing fees shall be due upon the electronic filing of documents and may be charged through approved credit card facilities. A Participant must use the Internet Credit Card Module of CM/ECF when a filing fee is due for a document being filed. Instructions are contained in the Participant's Guide, which is posted on the Court's web site under CM/ECF Quick Links. CM/ECF will warn Participants if a problem occurs during the Internet Credit Card payment process. Procedures for resolving problems

during the payment of fees are outlined in the Participant's Guide.

2. The Court requires that fees be paid on the same day as the documents are filed. If a Participant does not pay all fees due by midnight of the day the fees were incurred, the failure to pay will be reported to the Judge assigned to the case for appropriate action, including the striking of the document or other relief.
3. Participants are cautioned to use care when making payments via the Internet Credit Card Module. Absent a separate order of the Court, the Clerk is authorized to make a refund only in limited circumstances, such as when payment of the fee was unintentionally submitted twice through technical error or is caused by an error in the operation of the Court's CM/ECF system.

E. Access Charges

Fees required by the Judicial Conference of the United States as provided in 28 U.S.C. § 1930(b) and in the Appendix thereto for electronic access to Court records are assessed in accordance with the procedures established by the Administrative Office of the United States Courts.

F. Antivirus Software

All registered Participants who retrieve and effect electronic filings must have purchased, installed, used, and updated daily antivirus software at all locations from which they access CM/ECF. Any CD ROM (or disk) submitted to the Clerk's Office or to a Judge must be inspected for viruses and related defects by the submitting party.